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9 Attorneys for Plaintiffs

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 ANTHONY GALLEY, Deceased, by and through
13 his Co-Successors in Interest, P.P. and B.P.,
14 minors, through their mother and Next Friend,
15 Christina O’Neal, Individually and as Co-
16 Successors in Interest for ANTHONY GALLEY,
17 Deceased,

18 Plaintiffs,

19 vs.

20 COUNTY OF SACRAMENTO, a public entity;
21 FORMER SACRAMENTO COUNTY SHERIFF
22 SCOTT R. JONES, in his individual capacity; Jail
23 Commander ANTHONY PAONESSA, Jail
24 Medical Director VEER BABU, M.D., MAXIM
25 HEALTHCARE SERVICES, INC. dba MAXIM
26 STAFFING SOLUTIONS, a Maryland
27 Corporation; MAXIM HEALTHCARE
28 STAFFING SERVICES, INC., a Maryland
Corporation; ERICA WOODS, R.N., and DOES
1–20; individually, jointly, and severally,

Defendants.

Case No. 2:23-cv-00325-WBS-AC

**STIPULATION AND (~~PROPOSED~~)
ORDER RE: “FIRST LOOK”
AGREEMENT RE: DEFENDANTS’
FEDERAL RULE OF CIVIL
PROCEDURE 45 SUBPOENAS
SEEKING DECEDENT ANTHONY
GALLEY’S MEDICAL AND
EMPLOYMENT RECORDS**

1 The parties, by and through their respective attorneys of record, hereby stipulate to the
2 following order being issued in this matter:

3 1. On April 29, 2024, Plaintiffs' counsel received Federal Rule of Civil Procedure 45
4 subpoenas for the Production of Documents for medical and employment records which counsel for
5 Defendants served by Advanced Microsystems Litigation Support Services on the following
6 entities:

- 7
- 8 a. Sutter Medical Center Sacramento – Medical Records Department, seeking “Any
9 and all documents that may be handwritten, digitally and/or electronically stored
10 pertaining to the care, treatment and examination of the below named patient,
11 including but not limited to medical reports, physician's reports/notes, history and
12 physical reports, discharge summaries, emergency room records, inpatient and
13 outpatient records, radiological and diagnostic imaging tests/studies reports, all
14 physical therapy, occupational therapy and speech therapy records, case manager
15 records, laboratory results, pathology reports, medication administration records,
16 prescription refill requests, pharmacy records, insurance records, color
17 photographs received or taken by you. color photocopies are required. black and
18 white copies are not acceptable. all communications, including e-mail
19 communications between medical staff, patient, and patient's family, including
20 "secure messages" from 4/1/2014 to the present.”
- 21 b. Sutter Medical Center Sacramento – Patient Account Department, seeking “Any
22 and all billing records, including but not limited to billing statements complete
23 with CPT/ diagnostic codes, any type of payment records, previous or current
24 balances, or itemized statements; documentation that reflects the amounts(s)
25 actually accepted as payment in full of the charges billed; any type of
26 documentation that reflects any kind of reduction, insurance adjustment, and/or
27 write-off of all or any portion of the amount charged or normally charged;
28 including those existing in electronic or magnetic form, in the possession,
custody or control of the said witness, and every such billing record to which the
witness may have access. from 4/1/2014 to the present.”
- c. Sutter Medical Center Sacramento – Radiology Department, seeking “Diagnostic
imaging inventory: please provide a detailed inventory or breakdown of all
images available from first date of treatment to the present including, but not
limited to, any and all x-ray films, cat scans, MRI's, discograms, myelograms
and EMGs. specific images required will be selected from the
breakdown/inventory you provide. Please provide a cost per image or per study
in CD/DVD format. Do not send films at this time from 4/1/2014 to the present.
- d. Department of Health Care Services, seeking “ Medical records: Date range:
April 1, 2014 to present, only, any and all documents that may be handwritten,

digitally and/or electronically stored pertaining to the care, treatment and examination of the below named patient, including but not limited to medical reports, physician's reports/notes, history and physical reports, discharge summaries, emergency room records, inpatient and outpatient records, radiological and diagnostic imaging tests/studies reports, all physical therapy, occupational therapy and speech therapy records, case manager records, laboratory results, pathology reports, medication administration records, prescription refill requests, pharmacy records, insurance records, color photographs received or taken by you. Color photocopies are required. Black and white copies are not acceptable. All communications, including e-mail communications between medical staff, patient, and patient's family, including secure messages. Billing records: Date range: April 1, 2014 to present, only, any and all billing records, including but not limited to billing statements complete with CPT/diagnostic codes, any type of payment records, previous or current balances, or itemized statements; documentation that reflects the amount(s) actually accepted as payment in full of the charges billed; any type of documentation that reflects any kind of reduction, insurance adjustment, and/or write-off all or any portion of the amount charged or normally charged; including those existing in electronic or magnetic form, in the possession, custody or control of the said witness, and every such billing record to which the witness may have access. *Claims Records*: Date range: April 1, 2014 to present, only, any and all documents, notes, communications, telephone calls if any, including approval for follow up visits, services and treatments that were authorized or declined from case manager, case worker, or social worker, pertaining to Linda Livingston including but not limited to claims relating to Case No. PA 05-22-081, Anthony James Galley aka Anthony Galley, DOB: 5/22/1984, Date range: April 1, 2014 to present, only, any and all claims submitted including correspondence, medical records, medical billing, invoices, and payment. Date range: April 1, 2014 to present, only, any and all e-mail communications between Anthony James Galley aka Anthony Galley and the Department of Health Care Services and/or Medi-Cal.

- e. City of Sacramento Fire Department, seeking "Any And All Documents And Records Including Handwritten and Electronic/Digital Records, Computer Generated/Stored Records, Pertaining to Emergency Response For Care, Treatment, and/or Examination With or Without Transport and All Non-Emergency Assistance Response and/or Examination, Including But Not Limited To: Incident Reports, Care Logs, Narrative Treatment Notes, Ems Reports, Progress Notes, Patient Evaluation Forms, Patient Information Sheets, Any Type of Investigative Reports and/or Witness Statements, Wellness Check Records, Photographs/Digital Images, Audio Recordings, Videotapes, Bodycam Footage, 911 Tapes Or Recordings, 911 Print Outs, Run Sheets, Insurance Records, and Billing Statements, Including Charges, Payments, Write Downs, and Adjustments Pertaining To Anthony James Galley, DOB: 5/22/1984, Run Number: 22-92841. From 4/1/2014 to the present.

- 1 f. Furiosi Custom Tile and Stone, seeking, “ Any and all personnel and payroll
2 records, including but not limited to employment applications; records pertaining
3 to performance evaluations and/or employee reviews; records concerning job
4 assignments and/or job descriptions; insurance records; worker's compensation
5 and/or disability records, including but not limited to documentation regarding
6 notification to employer, benefit review conferences, indemnity benefits, medical
7 benefits, releases to return to work, doctor's reports and medical bills; medical
8 records; accident reports, including witness statements; incident reports; claims
9 records; wage information and/or employee earnings ledgers; tax records, W-2
10 forms, and 1099 forms; records regarding or outlining employee benefits;
11 interoffice correspondence and/or notes; absenteeism records and/or time cards.
12
- 13 g. SOLV Energy, LLC FKA Swinerton Renewable Energy – Human Resources
14 Department, seeking “Any and all personnel and payroll records, including but
15 not limited to employment applications; records pertaining to performance
16 evaluations and/or employee reviews; records concerning job assignments and/or
17 job descriptions; insurance records; worker's compensation and/or disability
18 records, including but not limited to documentation regarding notification to
19 employer, benefit review conferences, indemnity benefits, medical benefits,
20 releases to return to work, doctor's reports and medical bills; medical records;
21 accident reports, including witness statements; incident reports; claims records;
22 wage information and/or employee earnings ledgers; tax records, w-2 forms, and
23 1099 forms; records regarding or outlining employee benefits; interoffice
24 correspondence and/or notes; absenteeism records and/or time cards from April
25 1, 2014 to the present.

26 The subpoenas have a production date and time of May 22, 2024, at 9:00 a.m.

27 2. Plaintiffs’ counsel contends that the subpoenaed documents will likely contain
28 privileged information to which Defendants are not entitled, and that the subpoenas as drafted are
privileged information to which Defendants are not entitled, and that the subpoenas as drafted are
overbroad insofar as they seek discovery of all Anthony Galley’s medical and employment records
and so seek information protected by Mr. Galley’s physician-patient privilege and privacy rights,
and which are neither proportional to the needs of this case nor relevant to the claims and defenses
in this matter.

29 3. Plaintiff’s counsel and Defendants’ counsel met and conferred by email on May 9,
2024. The parties agree to the following “First-Look” Procedure:

- 30 a. Counsel for Defendants shall instruct Advanced Microsystems Litigation Support
31 Services to obtain any subpoenaed documents by a date set by Defendants;

1 however, instead of producing the documents to counsel for Defendants,
2 Advanced Microsystems Litigation Support Services shall instead produce the
3 documents directly to Plaintiffs' counsel's business address: Haddad & Sherwin
4 LLP, 505 17th Street, Oakland, CA 94612.

- 5 b. Upon receipt of the subpoenaed documents from Advanced Microsystems
6 Litigation Support Services, Plaintiffs' counsel will then have seven (7) business
7 days to review the documents to see if they contain any privileged information.
8 If the documents do contain such information, Plaintiffs' counsel shall redact
9 and/or withhold the pages containing that information and Plaintiffs' counsel
10 shall create a privilege log complying with Federal Rules of Civil Procedure
11 45(e)(2)(A)(i)–(ii) and 26(b)(5)(A)(i)–(ii).
- 12 c. On or before the seventh (7th) business day after receiving the records from
13 Advanced Microsystems Litigation Support Services, Plaintiffs' counsel shall
14 serve the subpoenaed documents by Federal Express Priority Overnight or
15 electronically on Defendants' counsel; if Plaintiffs' counsel has redacted and/or
16 withheld any information, they shall also concurrently serve the privilege log
17 described in ¶ 3(b), above.

18
19 4. Counsel for Defendants shall pay Advanced Microsystems Litigation Support
20 Services to obtain the documents and produce them to Plaintiffs' counsel, and Plaintiffs' counsel
21 shall pay to send them by Federal Express Priority Overnight to counsel for Defendants, if physical
22 documents were produced.

23 5. Counsel for Defendants reserves the right to seek production of any documents that
24 are withheld and/or redacted by Plaintiffs' counsel pursuant to the terms of this agreement. Should
25 any such discovery dispute not be resolved through the meet and confer process, defendants reserve
26

1 their right to file discovery motions with the court seeking an Order requiring production of
2 withheld documents.

3
4
5 Dated: May 22, 2024

HADDAD & SHERWIN LLP

6
7 */s/ Teresa Allen*

8 TERESA ALLEN
9 Attorneys for Plaintiffs

10 Dated: May 22, 2024

BEACH LAW GROUP, LLP

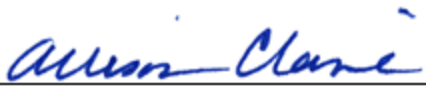
11
12 */s/ Rachel K. Mandelberg*

13 THOMAS E. BEACH
14 SUEANNE D. CHADBOURNE
15 RACHEL K. MANDELBERG
16 MOLLY LOY
17 Attorneys for Defendants
18 MAXIM HEALTHCARE SERVICES, INC., MAXIM
19 HEALTHCARE STAFFING SERVICES, INC., and
20 ERICA WOODS, R.N.

(PROPOSED) ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 23, 2024



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE